

# **THIRTY-FOURTH DAY - MARCH 2, 2004**

## **LEGISLATIVE JOURNAL**

### **NINETY-EIGHTH LEGISLATURE SECOND SESSION**

#### **THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 2, 2004

#### **PRAYER**

The prayer was offered by Senator Baker.

#### **ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Byars, Cunningham, Engel, Landis, Maxwell, Price, and Schimek who were excused until they arrive.

#### **CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-third day was approved.

#### **SELECT COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 16.** Placed on Select File as amended.  
E & R amendment to LB 16:

AM7178

- 1 1. Strike original sections 6 to 9 and insert the
- 2 following new sections:
- 3 "Sec. 6. Section 67-454, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 67-454. (1) A partnership may become a limited liability
- 6 partnership pursuant to this section.
- 7 (2) The terms and conditions on which a partnership
- 8 becomes a limited liability partnership must be approved by the
- 9 vote necessary to amend the partnership agreement except, in the
- 10 case of a partnership agreement that expressly considers
- 11 obligations to contribute to the partnership, the vote necessary to
- 12 amend those provisions.
- 13 (3) After the approval required by subsection (2) of this
- 14 section, a partnership may become a limited liability partnership

15 by filing a statement of qualification with the Secretary of State.

16 The statement must contain:

17 (a) The name of the partnership;

18 (b) The street address of the partnership's chief

19 executive office and, if different, the street address of an office

20 in this state, if any;

21 (c) If the partnership does not have an office in this

22 state, the name and street address of the partnership's agent for

23 service of process;

24 (d) A statement that the partnership elects to be a

1 limited liability partnership; and

2 (e) A deferred effective date, if any.

3 (4) The agent of a limited liability partnership for

4 service of process must be an individual who is a resident of this

5 state or other person authorized to do business in this state.

6 (5) The status of a partnership as a limited liability

7 partnership is effective on the later of the filing of the

8 statement or a date specified in the statement. The status remains

9 effective, regardless of changes in the partnership, until it is

10 canceled pursuant to subsection (4) of section 67-406 or revoked

11 pursuant to section 67-456.

12 (6) The status of a partnership as a limited liability

13 partnership and the liability of its partners is not affected by

14 errors or later changes in the information required to be contained

15 in the statement of qualification under subsection (3) of this

16 section.

17 (7) The filing of a statement of qualification

18 establishes that a partnership has satisfied all conditions

19 precedent to the qualification of the partnership as a limited

20 liability partnership.

21 (8) An amendment or cancellation of a statement of

22 qualification is effective when it is filed or on a deferred

23 effective date specified in the amendment or cancellation.

24 (9) Any limited liability partnership engaging in the

25 practice of law in this state shall file with the Secretary of

26 State, along with its statement of qualification, a certificate of

27 authority issued by the Nebraska Supreme Court. In addition, such

1 certificate of authority shall be renewed annually and filed by the

2 limited liability partnership with its annual report required by

3 section 67-456.

4 Sec. 7. Section 67-456, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 67-456. (1) A limited liability partnership, and a

7 foreign limited liability partnership authorized to transact

8 business in this state, shall file an annual report in the office

9 of the Secretary of State which contains:

10 (a) The name of the limited liability partnership and the

11 state or other jurisdiction under whose laws the foreign limited

12 liability partnership is formed;

13 (b) The street address of the partnership's chief  
14 executive office and, if different, the street address of an office  
15 of the partnership in this state, if any; and

16 (c) If the partnership does not have an office in this  
17 state, the name and street address of the partnership's current  
18 agent for service of process.

19 (2) Any limited liability partnership, or foreign limited  
20 liability partnership authorized to transact business in this  
21 state, engaging in the practice of law in this state shall file  
22 with its annual report a current certificate of authority from the  
23 Nebraska Supreme Court.

24 (3) An annual report and certificate of authority, if  
25 applicable, must be filed between January 1 and April 1 of each  
26 year following the calendar year in which a partnership files a  
27 statement of qualification or a foreign partnership becomes

1 authorized to transact business in this state.

2 ~~(3)~~ (4) The Secretary of State may revoke the statement  
3 of qualification of a partnership that fails to file an annual  
4 report and certificate of authority, if applicable, when due or pay  
5 the required filing fee provided in section 67-462. To do so, the  
6 Secretary of State shall provide the partnership at least sixty  
7 days' written notice of intent to revoke the statement. The notice  
8 must be mailed to the partnership at its chief executive office set  
9 forth in the last filed statement of qualification or annual  
10 report. The notice must specify the annual report or certificate  
11 of authority, if applicable, that has not been filed, the fee that  
12 has not been paid, and the effective date of the revocation. The  
13 revocation is not effective if the annual report and certificate of  
14 authority, if applicable, is filed and the fee is paid before the  
15 effective date of the revocation.

16 ~~(4)~~ (5) A revocation under subsection ~~(3)~~ (4) of this  
17 section only affects a partnership's status as a limited liability  
18 partnership and is not an event of dissolution of the partnership.

19 ~~(5)~~ (6) A partnership whose statement of qualification  
20 has been revoked may apply to the Secretary of State for  
21 reinstatement within two years after the effective date of the  
22 revocation. The application must state:

23 (a) The name of the partnership and the effective date of  
24 the revocation; and

25 (b) That the ground for revocation either did not exist  
26 or has been corrected.

27 ~~(6)~~ (7) A reinstatement under subsection ~~(5)~~ (6) of this  
1 section relates back to and takes effect as of the effective date  
2 of the revocation, and the partnership's status as a limited  
3 liability partnership continues as if the revocation had never  
4 occurred.

5 Sec. 8. Section 67-458, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 67-458. (1) Before transacting business in this state, a

8 foreign limited liability partnership must file a statement of  
9 foreign qualification. The statement must contain:

10 (a) The name of the foreign limited liability partnership  
11 which (i) satisfies the requirements of the state or other  
12 jurisdiction under whose law it is formed, (ii) ends with  
13 "registered limited liability partnership", "limited liability  
14 partnership", "R.L.L.P.", "RLLP", "L.L.P.", "LLP", or similar words  
15 or abbreviations as required by the jurisdiction under whose law it  
16 is formed, and (iii) complies with the requirements of a domestic  
17 limited liability partnership as provided in subdivisions (1)(b)  
18 and (c) and subsection (2) of section 67-455;

19 (b) The street address of the partnership's chief  
20 executive office and, if different, the street address of an office  
21 of the partnership in this state, if any;

22 (c) If there is no office of the partnership in this  
23 state, the name and street address of the partnership's agent for  
24 service of process; and

25 (d) A deferred effective date, if any.

26 (2) The agent of a foreign limited liability partnership  
27 for service of process must be an individual who is a resident of  
1 this state or other person authorized to do business in this state.

2 (3) The status of a partnership as a foreign limited  
3 liability partnership is effective on the later of the filing of  
4 the statement of foreign qualification or a date specified in the  
5 statement. The status remains effective, regardless of changes in  
6 the partnership, until it is canceled pursuant to subsection (4) of  
7 section 67-406 or revoked pursuant to section 67-456.

8 (4) An amendment or cancellation of a statement of  
9 foreign qualification is effective when it is filed or on a  
10 deferred effective date specified in the amendment or cancellation.

11 (5) Any foreign limited liability partnership engaged in  
12 the practice of law in this state shall file with the Secretary of  
13 State, along with its statement of foreign qualification, a  
14 certificate of authority issued by the Nebraska Supreme Court. In  
15 addition, such certificate of authority shall be renewed annually  
16 and filed by the foreign limited liability partnership with its  
17 annual report required by section 67-456.

18 Sec. 9. Original sections 21-2204, 21-2209, 21-2607,  
19 21-2631, 21-2639, 67-454, 67-456, and 67-458, Reissue Revised  
20 Statutes of Nebraska, are repealed."

21 2. On page 1, line 2, strike "and 21-2639" and insert  
22 "21-2639, 67-454, 67-456, and 67-458"; and strike beginning with  
23 the first comma in line 3 through "2002" in line 4.

24 3. On page 5, line 2, strike "as".

**LEGISLATIVE BILL 625.** Placed on Select File.

**LEGISLATIVE BILL 878.** Placed on Select File.

**LEGISLATIVE BILL 961.** Placed on Select File.

**LEGISLATIVE BILL 835.** Placed on Select File as amended.  
E & R amendment to LB 835:

AM7176

- 1 1. On page 1, strike lines 6 through 8 and insert
- 2 "sections 81-2,172 and 81-2,177.01, Reissue Revised Statutes of
- 3 Nebraska."
- 4 2. On page 13, strike lines 16 and 17 and insert
- 5 "Sections 81-2,172 and 81-2,177.01, Reissue Revised Statutes of
- 6 Nebraska."

**LEGISLATIVE BILL 836.** Placed on Select File as amended.  
E & R amendment to LB 836:

AM7177

- 1 1. On page 4, line 3, strike "subsection" and insert
- 2 "subdivision".

**LEGISLATIVE BILL 821.** Placed on Select File.

**LEGISLATIVE BILL 937.** Placed on Select File.

**LEGISLATIVE BILL 820.** Placed on Select File.

**LEGISLATIVE BILL 927.** Placed on Select File.

**LEGISLATIVE BILL 936.** Placed on Select File.

**LEGISLATIVE BILL 915.** Placed on Select File.

**LEGISLATIVE BILL 818.** Placed on Select File.

**LEGISLATIVE BILL 911.** Placed on Select File.

**LEGISLATIVE RESOLUTION 211CA.** Placed on Select File.

**LEGISLATIVE BILL 947.** Placed on Select File as amended.  
E & R amendment to LB 947:

AM7179

- 1 1. On page 1, line 3, strike "time provisions for
- 2 permit" and insert "the expiration date for permits".

**LEGISLATIVE BILL 950.** Placed on Select File.

**LEGISLATIVE BILL 1069.** Placed on Select File.

**LEGISLATIVE BILL 940.** Placed on Select File as amended.  
E & R amendment to LB 940:

AM7181

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through "81-1201.08" in line 3 and insert "section 81-8,271.01"; in
- 3 line 5 strike "commissions" and insert "a commission"; and in line
- 4 11 strike "81-1201.04 to 81-1201.06".

**LEGISLATIVE BILL 1033.** Placed on Select File as amended.  
E & R amendment to LB 1033:

AM7180

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 1179.** Placed on Select File.

(Signed) Ray Mossey, Chairperson

**STANDING COMMITTEE REPORTS**  
**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 154.** Indefinitely postponed.

**LEGISLATIVE BILL 312.** Indefinitely postponed.

**LEGISLATIVE BILL 317.** Indefinitely postponed.

**LEGISLATIVE BILL 477.** Indefinitely postponed.

**LEGISLATIVE BILL 492.** Indefinitely postponed.

**LEGISLATIVE BILL 568.** Indefinitely postponed.

**LEGISLATIVE BILL 583.** Indefinitely postponed.

**LEGISLATIVE BILL 763.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

**MOTIONS - Approve Appointments**

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment found on page 766:

Beginning Farmer Board

Darrell Mark

Voting in the affirmative, 28:

Aguilar	Foley	Jones	Pederson, D.	Stuthman
Baker	Hartnett	Kremer	Quandahl	Synowiecki
Brashear	Hudkins	Louden	Raikes	Vrtiska
Burling	Janssen	McDonald	Redfield	Wehrbein
Cudaback	Jensen	Mossey	Schrock	
Erdman	Johnson	Pedersen, Dw.	Smith	

Voting in the negative, 0.

Present and not voting, 13:

Bourne	Chambers	Friend	Preister	Tyson
Bromm	Combs	Kruse	Stuhr	
Brown	Connealy	Mines	Thompson	

Excused and not voting, 8:

Beutler	Cunningham	Landis	Price
Byars	Engel	Maxwell	Schimek

The appointment was confirmed with 28 ayes, 0 nays, 13 present and not

voting, and 8 excused and not voting.

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment found on page 766:

Nebraska State Fair Board  
Sallie Atkins

Voting in the affirmative, 29:

Aguilar	Erdman	Johnson	Mossey	Smith
Baker	Foley	Jones	Pedersen, Dw.	Stuhr
Brashear	Hartnett	Kremer	Pederson, D.	Stuthman
Brown	Hudkins	Louden	Quandahl	Synowiecki
Burling	Janssen	McDonald	Raikes	Vrtiska
Cudaback	Jensen	Mines	Redfield	

Voting in the negative, 0.

Present and not voting, 12:

Bourne	Combs	Kruse	Thompson
Bromm	Connealy	Preister	Tyson
Chambers	Friend	Schrock	Wehrbein

Excused and not voting, 8:

Beutler	Cunningham	Landis	Price
Byars	Engel	Maxwell	Schimek

The appointment was confirmed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 998.** Title read. Considered.

The Standing Committee amendment, AM2697, found on page 712, was considered.

Senator Chambers renewed his pending amendment, FA1494, found on page 779, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Senator Chambers renewed his pending amendment, FA1495, found on page 780, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Pending.

### MESSAGE FROM THE GOVERNOR

March 2, 2004

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 208, 227, 236, 270, 353, 382, and 740 were received in my office on February 25, 2004.

These bills were signed and delivered to the Secretary of State on March 2, 2004.

Sincerely,  
(Signed) Mike Johanns  
Governor

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1086A.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1086, Ninety-eighth Legislature, Second Session, 2004; and to declare an emergency.

### STANDING COMMITTEE REPORTS Urban Affairs

**LEGISLATIVE BILL 1175.** Placed on General File.

**LEGISLATIVE BILL 903.** Indefinitely postponed.

**LEGISLATIVE BILL 1043.** Indefinitely postponed.

**LEGISLATIVE BILL 1137.** Indefinitely postponed.

**LEGISLATIVE BILL 1148.** Indefinitely postponed.

**LEGISLATIVE BILL 1171.** Indefinitely postponed.

**LEGISLATIVE BILL 1192.** Indefinitely postponed.

**LEGISLATIVE BILL 1246.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson



## Revenue

**LEGISLATIVE BILL 895.** Placed on General File as amended.

Standing Committee amendment to LB 895:

AM2841

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 2-3225, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 2-3225. Each district shall have the power and authority  
6 to levy a tax of not to exceed four and one-half cents on each one  
7 hundred dollars of taxable valuation annually on all of the taxable  
8 property within such district unless a higher levy is authorized  
9 pursuant to section 77-3444. Each district shall also have the  
10 power and authority to levy a tax equal to the dollar amount by  
11 which its budgeted expenditures to administer and implement ground  
12 water management activities and integrated management activities  
13 under the Nebraska Ground Water Management and Protection Act  
14 exceed its budgeted expenditures to administer and implement ground  
15 water management activities and integrated management activities  
16 for FY2003-04, not to exceed one cent on each one hundred dollars  
17 of taxable valuation annually on all of the taxable property within  
18 the district. The proceeds of such tax shall be used, together  
19 with any other funds which the district may receive from any  
20 source, for the operation of the district. When adopted by the  
21 board, the levy shall be certified by the secretary to the county  
22 clerk of each county which in whole or in part is included within  
23 the district. Such levy shall be handled by the counties in the  
24 same manner as other levies, and proceeds shall be remitted to the  
1 district treasurer. Such levy shall not be considered a part of  
2 the general county levy and shall not be considered in connection  
3 with any limitation on levies of such counties.  
4 Sec. 2. Section 13-520, Revised Statutes Supplement,  
5 2002, is amended to read:  
6 13-520. The limitations in section 13-519 shall not  
7 apply to (1) restricted funds budgeted for capital improvements,  
8 (2) restricted funds expended from a qualified sinking fund for  
9 acquisition or replacement of tangible personal property with a  
10 useful life of five years or more, (3) restricted funds pledged to  
11 retire bonded indebtedness, used by a public airport to retire  
12 interest-free loans from the Department of Aeronautics in lieu of  
13 bonded indebtedness at a lower cost to the public airport, or used  
14 to pay other financial instruments that are approved and agreed to  
15 before July 1, 1999, in the same manner as bonds by a governing  
16 body created under section 35-501, (4) restricted funds budgeted in  
17 support of a service which is the subject of an agreement or a  
18 modification of an existing agreement whether operated by one of  
19 the parties to the agreement or by an independent joint entity or

20 joint public agency, (5) restricted funds budgeted to pay for  
21 repairs to infrastructure damaged by a natural disaster which is  
22 declared a disaster emergency pursuant to the Emergency Management  
23 Act, ~~or~~ (6) restricted funds budgeted to pay for judgments, except  
24 judgments or orders from the Commission of Industrial Relations,  
25 obtained against a governmental unit which require or obligate a  
26 governmental unit to pay such judgment, to the extent such judgment  
27 is not paid by liability insurance coverage of a governmental unit,  
1 or (7) the dollar amount by which restricted funds budgeted by a  
2 natural resources district to administer and implement ground water  
3 management activities and integrated management activities under  
4 the Nebraska Ground Water Management and Protection Act exceed its  
5 budgeted expenditures to administer and implement ground water  
6 management activities and integrated management activities for  
7 FY2003-04.

8 Sec. 3. Section 77-3442, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 77-3442. (1) Property tax levies for the support of  
11 local governments for fiscal years beginning on or after July 1,  
12 1998, shall be limited to the amounts set forth in this section  
13 except as provided in section 77-3444.

14 (2)(a) Except as provided in subdivision (2)(b) of this  
15 section, school districts and multiple-district school systems may  
16 levy a maximum levy of (i) one dollar and five cents per one  
17 hundred dollars of taxable valuation of property subject to the  
18 levy for fiscal years 2003-04 and 2004-05 and (ii) one dollar per  
19 one hundred dollars of taxable valuation of property subject to the  
20 levy for all fiscal years except fiscal years 2003-04 and 2004-05.  
21 Excluded from this limitation are amounts levied to pay for sums  
22 agreed to be paid by a school district to certificated employees in  
23 exchange for a voluntary termination of employment and amounts  
24 levied to pay for special building funds and sinking funds  
25 established for projects commenced prior to April 1, 1996, for  
26 construction, expansion, or alteration of school district  
27 buildings. For purposes of this subsection, commenced means any  
1 action taken by the school board on the record which commits the  
2 board to expend district funds in planning, constructing, or  
3 carrying out the project.

4 (b) Federal aid school districts may exceed the maximum  
5 levy prescribed by subdivision (2)(a) of this section only to the  
6 extent necessary to qualify to receive federal aid pursuant to  
7 Title VIII of Public Law 103-382, as such title existed on  
8 September 1, 2001. For purposes of this subdivision, federal aid  
9 school district means any school district which receives ten  
10 percent or more of the revenue for its general fund budget from  
11 federal government sources pursuant to Title VIII of Public Law  
12 103-382, as such title existed on September 1, 2001.

13 (c) Beginning with school fiscal year 2002-03 through  
14 school fiscal year 2004-05, school districts and multiple-district

15 school systems may, upon a three-fourths majority vote of the  
16 school board of the school district, the board of the unified  
17 system, or the school board of the high school district of the  
18 multiple-district school system that is not a unified system,  
19 exceed the maximum levy prescribed by subdivision (2)(a) of this  
20 section in an amount equal to the net difference between the amount  
21 of state aid that would have been provided under the Tax Equity and  
22 Educational Opportunities Support Act without the changes made by  
23 Laws 2002, LB 898, for the ensuing school fiscal year for the  
24 school district or multiple-district school system and the amount  
25 provided under the act as amended by Laws 2002, LB 898. The State  
26 Department of Education shall certify to the school districts and  
27 multiple-district school systems the amount by which the maximum  
1 levy may be exceeded pursuant to subdivision (2)(c) of this section  
2 on or before May 15, 2002, for school fiscal year 2002-03, June 30,  
3 2003, for school fiscal year 2003-04, and February 15, 2004, for  
4 school fiscal year 2004-05.

5 (3) Community colleges may levy a maximum levy on each  
6 one hundred dollars of taxable property subject to the levy of  
7 seven cents for fiscal year 2000-01 and each fiscal year  
8 thereafter, plus amounts allowed under subsection (7) of section  
9 85-1536.01.

10 (4) Natural resources districts may levy a maximum levy  
11 of four and one-half cents per one hundred dollars of taxable  
12 valuation of property subject to the levy. Natural resources  
13 districts shall also have the power and authority to levy a tax  
14 equal to the dollar amount by which their budgeted expenditures to  
15 administer and implement ground water management activities and  
16 integrated management activities under the Nebraska Ground Water  
17 Management and Protection Act exceed their budgeted expenditures to  
18 administer and implement ground water management activities and  
19 integrated management activities for FY2003-04, not to exceed one  
20 cent on each one hundred dollars of taxable valuation annually on  
21 all of the taxable property within the district.

22 (5) Educational service units may levy a maximum levy of  
23 one and one-half cents per one hundred dollars of taxable valuation  
24 of property subject to the levy.

25 (6)(a) Incorporated cities and villages which are not  
26 within the boundaries of a municipal county may levy a maximum levy  
27 of forty-five cents per one hundred dollars of taxable valuation of  
1 property subject to the levy plus an additional five cents per one  
2 hundred dollars of taxable valuation to provide financing for the  
3 municipality's share of revenue required under an agreement or  
4 agreements executed pursuant to the Interlocal Cooperation Act or  
5 the Joint Public Agency Act. The maximum levy shall include  
6 amounts levied to pay for sums to support a library pursuant to  
7 section 51-201, museum pursuant to section 51-501, visiting  
8 community nurse, home health nurse, or home health agency pursuant  
9 to section 71-1637, or statue, memorial, or monument pursuant to

10 section 80-202.

11 (b) Incorporated cities and villages which are within the  
12 boundaries of a municipal county may levy a maximum levy of ninety  
13 cents per one hundred dollars of taxable valuation of property  
14 subject to the levy. The maximum levy shall include amounts paid  
15 to a municipal county for county services, amounts levied to pay  
16 for sums to support a library pursuant to section 51-201, a museum  
17 pursuant to section 51-501, a visiting community nurse, home health  
18 nurse, or home health agency pursuant to section 71-1637, or a  
19 statue, memorial, or monument pursuant to section 80-202.

20 (7) Sanitary and improvement districts which have been in  
21 existence for more than five years may levy a maximum levy of forty  
22 cents per one hundred dollars of taxable valuation of property  
23 subject to the levy, and sanitary and improvement districts which  
24 have been in existence for five years or less shall not have a  
25 maximum levy. Unconsolidated sanitary and improvement districts  
26 which have been in existence for more than five years and are  
27 located in a municipal county may levy a maximum of eighty-five  
1 cents per hundred dollars of taxable valuation of property subject  
2 to the levy.

3 (8) Counties may levy or authorize a maximum levy of  
4 fifty cents per one hundred dollars of taxable valuation of  
5 property subject to the levy, except that five cents per one  
6 hundred dollars of taxable valuation of property subject to the  
7 levy may only be levied to provide financing for the county's share  
8 of revenue required under an agreement or agreements executed  
9 pursuant to the Interlocal Cooperation Act or the Joint Public  
10 Agency Act. The maximum levy shall include amounts levied to pay  
11 for sums to support a library pursuant to section 51-201 or museum  
12 pursuant to section 51-501. The county may allocate up to fifteen  
13 cents of its authority to other political subdivisions subject to  
14 allocation of property tax authority under subsection (1) of  
15 section 77-3443 and not specifically covered in this section to  
16 levy taxes as authorized by law which do not collectively exceed  
17 fifteen cents per one hundred dollars of taxable valuation on any  
18 parcel or item of taxable property. The county may allocate to one  
19 or more other political subdivisions subject to allocation of  
20 property tax authority by the county under subsection (1) of  
21 section 77-3443 some or all of the county's five cents per one  
22 hundred dollars of valuation authorized for support of an agreement  
23 or agreements to be levied by the political subdivision for the  
24 purpose of supporting that political subdivision's share of revenue  
25 required under an agreement or agreements executed pursuant to the  
26 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
27 allocation by a county would cause another county to exceed its  
1 levy authority under this section, the second county may exceed the  
2 levy authority in order to levy the amount allocated.

3 (9) Municipal counties may levy or authorize a maximum  
4 levy of one dollar per one hundred dollars of taxable valuation of

5 property subject to the levy. The municipal county may allocate  
6 levy authority to any political subdivision or entity subject to  
7 allocation under section 77-3443.

8 (10) Property tax levies for judgments, except judgments  
9 or orders from the Commission of Industrial Relations, obtained  
10 against a political subdivision which require or obligate a  
11 political subdivision to pay such judgment, to the extent such  
12 judgment is not paid by liability insurance coverage of a political  
13 subdivision, for preexisting lease-purchase contracts approved  
14 prior to July 1, 1998, for bonded indebtedness approved according  
15 to law and secured by a levy on property, and for payments by a  
16 public airport to retire interest-free loans from the Department of  
17 Aeronautics in lieu of bonded indebtedness at a lower cost to the  
18 public airport are not included in the levy limits established by  
19 this section.

20 (11) The limitations on tax levies provided in this  
21 section are to include all other general or special levies provided  
22 by law. Notwithstanding other provisions of law, the only  
23 exceptions to the limits in this section are those provided by or  
24 authorized by sections 77-3442 to 77-3444.

25 (12) Tax levies in excess of the limitations in this  
26 section shall be considered unauthorized levies under section  
27 77-1606 unless approved under section 77-3444.

1 (13) For purposes of sections 77-3442 to 77-3444,  
2 political subdivision means a political subdivision of this state  
3 and a county agricultural society.

4 Sec. 4. This act becomes operative on July 1, 2004.

5 Sec. 5. Original sections 2-3225 and 77-3442, Reissue  
6 Revised Statutes of Nebraska, and section 13-520, Revised Statutes  
7 Supplement, 2002, are repealed.

8 Sec. 6. Since an emergency exists, this act takes effect  
9 when passed and approved according to law."

**LEGISLATIVE BILL 1095.** Placed on General File as amended.  
Standing Committee amendment to LB 1095:  
AM2840

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act becomes operative on October 1,
- 4 2004.
- 5 Sec. 2. The following section is outright repealed:
- 6 Section 77-2704.37, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 1178.** Indefinitely postponed.

(Signed) David Landis, Chairperson

**Nebraska Retirement Systems**

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Public Employees Retirement Board  
Dale L. Kahla

VOTE: Aye: Senators Bourne, Erdman, Price, Stuhr, Synowiecki, and Wehrbein. Nay: None. Absent: None.

(Signed) Elaine Stuhr, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 998.** Senator Chambers renewed his pending amendment, AM1496, found on page 780, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

The Standing Committee amendment, AM2697, found on page 712 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 998A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 962.** Title read. Considered.

**SENATOR JANSSEN PRESIDING**

The Standing Committee amendment, AM2733, printed separately and referred to on page 737, was considered.

Senator Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

(FA1502 consists of Sections 1 through 10 and Section 12 of the Standing Committee amendment.)

Pending.

**NOTICE OF COMMITTEE HEARING**  
**Transportation and Telecommunications**  
Room 1113

Monday, March 22, 2004

1:00 p.m.

Allan Abbott - Nebraska Transit and Rail Advisory Council  
Anne Boyle - Nebraska Transit and Rail Advisory Council  
Duane Eitel - Nebraska Transit and Rail Advisory Council  
Roger Figard - Nebraska Transit and Rail Advisory Council  
David Gilfillan - Nebraska Transit and Rail Advisory Council  
Georgia Janssen - Nebraska Transit and Rail Advisory Council  
Steve McBeth - Nebraska Transit and Rail Advisory Council  
Paul Mullen - Nebraska Transit and Rail Advisory Council  
Thomas Mulligan - Nebraska Transit and Rail Advisory Council  
Michael Ongerth - Nebraska Transit and Rail Advisory Council  
Gary Ruegg - Nebraska Transit and Rail Advisory Council

(Signed) Tom Baker, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 247.** Introduced by Bromm, 23.

WHEREAS, the David City Aquinas boys' wrestling team won the Class C Boys' State High School Wrestling Championship; and

WHEREAS, David City Aquinas won thirteen of fourteen matches over the final three sessions to capture the Class C title for the third time in four years; and

WHEREAS, David City Aquinas had a school-record four state champions in achieving the Class C title; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the David City Aquinas High School boys' wrestling team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Tony Horacek and the David City Aquinas High School boys' wrestling team.

Laid over.

**STANDING COMMITTEE REPORT**  
**Natural Resources**

**LEGISLATIVE BILL 916.** Placed on General File as amended.  
(Standing Committee amendment, AM2826, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ed Schrock, Chairperson

**VISITORS**

Visitors to the Chamber were 35 students from Paddock Lane Elementary School, Beatrice; 50 fourth-grade students from Stoddard Elementary School, Beatrice; 40 first- through fourth-grade students and teachers from Cavett Elementary School, Lincoln; and Don Fiedler from Omaha, Jack Huck from Lincoln, and Sue Burns from Beatrice.

**RECESS**

At 12:01 p.m., on a motion by Senator Loudon, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senators Brown, Engel, Landis, Mines, Mossey, Preister, and Schimek who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 962.** The first Standing Committee amendment, FA1502, found in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1503

Amend FA1502

On page 1, in line 6 strike "recognizes" and insert "finds"; strike and show as stricken "the" and insert "a"; strike and show as stricken "this" and insert "the".

**SPEAKER BROMM PRESIDING**

Pending.



**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 242 and 243 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 242 and 243.

**GENERAL FILE**

**LEGISLATIVE BILL 962.** The Chambers pending amendment, FA1503, found in this day's Journal, to the first Standing Committee amendment, was renewed.

The Chambers amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Pending.

**STANDING COMMITTEE REPORTS****Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Environmental Quality Council

Tom Miller

Donald Williams

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Schrock, and Stuhr. Nay: Senator Preister. Absent: None.

(Signed) Ed Schrock, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 339.** Indefinitely postponed.

**LEGISLATIVE BILL 518.** Indefinitely postponed.

**LEGISLATIVE BILL 654.** Indefinitely postponed.

**LEGISLATIVE BILL 716.** Indefinitely postponed.

**LEGISLATIVE BILL 717.** Indefinitely postponed.

**LEGISLATIVE BILL 718.** Indefinitely postponed.

**LEGISLATIVE BILL 792.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 24CA.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 871.** Placed on General File as amended.

Standing Committee amendment to LB 871:

AM2833

- 1 1. Strike original sections 2, 3, and 8 and insert the
- 2 following new sections:
- 3 "Sec. 4. Section 60-6,196, Revised Statutes Supplement,
- 4 2003, as amended by section 10, Legislative Bill 208, Ninety-eighth
- 5 Legislature, Second Session, 2004, is amended to read:
- 6 60-6,196. (1) It shall be unlawful for any person to
- 7 operate or be in the actual physical control of any motor vehicle:
- 8 (a) While under the influence of alcoholic liquor, under
- 9 the influence ~~or~~ of any drug, or under the influence of any
- 10 combination of alcoholic liquor and one or more drugs;
- 11 (b) When such person has a concentration of
- 12 eight-hundredths of one gram or more by weight of alcohol per one
- 13 hundred milliliters of his or her blood; or
- 14 (c) When such person has a concentration of
- 15 eight-hundredths of one gram or more by weight of alcohol per two
- 16 hundred ten liters of his or her breath.
- 17 (2) Any person who operates or is in the actual physical
- 18 control of any motor vehicle while in a condition described in
- 19 subsection (1) of this section shall be guilty of a crime and upon
- 20 conviction punished as provided in sections 12 to 18 of this act.
- 21 Sec. 5. Section 12, Legislative Bill 208, Ninety-eighth
- 22 Legislature, Second Session, 2004, is amended to read:
- 23 Sec. 12. (1) A violation of section 60-6,196 or 60-6,197
- 24 shall be punished as provided in section 13 of this act. For
- 1 purposes of sentencing under section 13 of this act:
- 2 (a) Prior conviction means a conviction for a violation
- 3 committed within the twelve-year period prior to the offense for
- 4 which the sentence is being imposed as follows:
- 5 (i) For a violation of section 60-6,196:
- 6 (A) Any conviction for a violation of section 60-6,196;
- 7 (B) Any conviction for a violation of a city or village
- 8 ordinance enacted in conformance with section 60-6,196;
- 9 (C) Any conviction under a law of another state if, at
- 10 the time of the conviction under the law of such other state, the
- 11 offense for which the person was convicted would have been a
- 12 violation of section 60-6,196; or
- 13 (D) Any conviction for a violation of section 60-6,198;
- 14 or
- 15 (ii) For a violation of section 60-6,197;
- 16 (A) Any conviction for a violation of section 60-6,197;
- 17 (B) Any conviction for a violation of a city or village

18 ordinance enacted in conformance with section 60-6,197; or  
19 (C) Any conviction under a law of another state if, at  
20 the time of the conviction under the law of such other state, the  
21 offense for which the person was convicted would have been a  
22 violation of section 60-6,197;

23 (b) Prior conviction includes any conviction under  
24 section 60-6,196, 60-6,197, or 60-6,198, or any city or village  
25 ordinance enacted in conformance with any of such sections, as such  
26 sections or city or village ordinances existed at the time of such  
27 conviction regardless of subsequent amendments to any of such  
1 sections or city or village ordinances; and

2 (c) Twelve-year period means the period computed from the  
3 date of the prior offense to the date of the offense which resulted  
4 in the conviction for which the sentence is being imposed.

5 (2) In any case charging a violation of section 60-6,196  
6 or 60-6,197, the prosecutor or investigating agency shall use due  
7 diligence to obtain the person's driving record from the Department  
8 of Motor Vehicles and the person's driving record from other states  
9 where he or she is known to have resided within the last twelve  
10 years. The prosecutor shall certify to the court, prior to  
11 sentencing, that such action has been taken. The prosecutor shall  
12 present as evidence for purposes of sentence enhancement a  
13 court-certified copy or an authenticated copy of a prior conviction  
14 in another state. The court-certified or authenticated copy shall  
15 be prima facie evidence of such prior conviction.

16 (3) For each conviction for a violation of section  
17 60-6,196 or 60-6,197, the court shall, as part of the judgment of  
18 conviction, make a finding on the record as to the number of the  
19 convicted person's prior convictions. The convicted person shall  
20 be given the opportunity to review the record of his or her prior  
21 convictions, bring mitigating facts to the attention of the court  
22 prior to sentencing, and make objections on the record regarding  
23 the validity of such prior convictions.

24 Sec. 6. Section 13, Legislative Bill 208, Ninety-eighth  
25 Legislature, Second Session, 2004, is amended to read:

26 Sec. 13. Any person convicted of a violation of section  
27 60-6,196 or 60-6,197 shall be punished as follows:

1 (1) If such person has not had a prior conviction, such  
2 person shall be guilty of a Class W misdemeanor, and the court  
3 shall, as part of the judgment of conviction, order ~~such person not~~  
4 ~~to drive any motor vehicle for any purpose that the operator's~~  
5 license of such person be revoked for a period of six months from  
6 the date ordered by the court, ~~and shall order that the operator's~~  
7 ~~license of such person be revoked for a like period.~~ Such  
8 revocation shall be administered upon sentencing, upon final  
9 judgment of any appeal or review, or upon the date that any  
10 probation is revoked.

11 If the court places such person on probation or suspends  
12 the sentence for any reason, the court shall, as one of the

13 conditions of probation or sentence suspension, order ~~such person~~  
14 ~~not to drive any motor vehicle for any purpose that the operator's~~  
15 license of such person be revoked or impounded for a period of  
16 sixty days from the date ordered by the court unless otherwise  
17 authorized by an order issued pursuant to section 60-6,211.05, and  
18 such order of probation or sentence suspension shall also include,  
19 as one of its conditions, the payment of a four-hundred-dollar  
20 fine;

21 (2) If such person has had one prior conviction, such  
22 person shall be guilty of a Class W misdemeanor, and the court  
23 shall, as part of the judgment of conviction, order ~~such person not~~  
24 ~~to drive any motor vehicle for any purpose that the operator's~~  
25 license of such person be revoked for a period of one year from the  
26 date ordered by the court; ~~shall order that the operator's license~~  
27 ~~of such person be revoked for a like period~~; and shall issue an  
1 order pursuant to section 60-6,197.01 with respect to all motor  
2 vehicles owned by such person. Such orders shall be administered  
3 upon sentencing, upon final judgment of any appeal or review, or  
4 upon the date that any probation is revoked.

5 If the court places such person on probation or suspends  
6 the sentence for any reason, the court shall, as one of the  
7 conditions of probation or sentence suspension, order ~~such person~~  
8 ~~not to drive any motor vehicle for any purpose that the operator's~~  
9 license of such person be revoked or impounded for a period of one  
10 year from the date ordered by the court unless otherwise authorized  
11 by an order issued pursuant to section 60-6,211.05 and shall issue  
12 an order pursuant to section 60-6,197.01 with respect to all motor  
13 vehicles owned by such person, and such order of probation or  
14 sentence suspension shall also include, as conditions, the payment  
15 of a five-hundred-dollar fine and either confinement in the city or  
16 county jail for five days or the imposition of not less than two  
17 hundred forty hours of community service;

18 (3) If such person has had two prior convictions, such  
19 person shall be guilty of a Class W misdemeanor, and the court  
20 shall, as part of the judgment of conviction, order ~~such person not~~  
21 ~~to drive any motor vehicle for any purpose that the operator's~~  
22 license of such person be revoked for a period of fifteen years  
23 from the date ordered by the court; ~~shall order that the operator's~~  
24 ~~license of such person be revoked for a like period~~; and shall  
25 issue an order pursuant to section 60-6,197.01 with respect to all  
26 motor vehicles owned by such person. Such orders shall be  
27 administered upon sentencing, upon final judgment of any appeal or  
1 review, or upon the date that any probation is revoked.

2 If the court places such person on probation or suspends  
3 the sentence for any reason, the court shall, as one of the  
4 conditions of probation or sentence suspension, order ~~such person~~  
5 ~~not to drive any motor vehicle for any purpose that the operator's~~  
6 license of such person be revoked or impounded for a period of one  
7 year from the date ordered by the court ~~and shall order that the~~

8 operator's license of such person be suspended for a like period  
9 unless otherwise authorized by an order issued pursuant to section  
10 60-6,211.05 and shall issue an order pursuant to section  
11 60-6,197.01 with respect to all motor vehicles owned by such  
12 person, and such order of probation or sentence suspension shall  
13 also include, as conditions, the payment of a six-hundred-dollar  
14 fine and either confinement in the city or county jail for ten days  
15 or the imposition of not less than four hundred eighty hours of  
16 community service; and

17 (4) If such person has had three or more prior  
18 convictions, such person shall be guilty of a Class IV felony, and  
19 the court shall, as part of the judgment of conviction, order ~~such~~  
20 ~~person not to drive any motor vehicle for any purpose that the~~  
21 operator's license of such person be revoked for a period of  
22 fifteen years from the date ordered by the court; ~~shall order that~~  
23 ~~the operator's license of such person be revoked for a like period;~~  
24 and shall issue an order pursuant to section 60-6,197.01 with  
25 respect to all motor vehicles owned by such person. Such orders  
26 shall be administered upon sentencing, upon final judgment of any  
27 appeal or review, or upon the date that any probation is revoked.

1 The court shall also sentence such person to serve at least ten  
2 days' imprisonment in the city or county jail or an adult  
3 correctional facility.

4 If the court places such person on probation or suspends  
5 the sentence for any reason, the court shall, as one of the  
6 conditions of probation or sentence suspension, order ~~such person~~  
7 ~~not to drive any motor vehicle for any purpose that the operator's~~  
8 license of such person be revoked or impounded for a period of one  
9 year from the date ordered by the court ~~and shall order that the~~  
10 ~~operator's license of such person be suspended for a like period~~  
11 unless otherwise authorized by an order issued pursuant to section  
12 60-6,211.05 and shall issue an order pursuant to section  
13 60-6,197.01 with respect to all motor vehicles owned by such  
14 person, and such order of probation or sentence suspension shall  
15 also include, as conditions, the payment of a one-thousand-dollar  
16 fine and either confinement in the city or county jail for ten days  
17 or the imposition of not less than four hundred eighty hours of  
18 community service.

19 Sec. 9. Original sections 28-106, 60-601, and  
20 60-6,197.01, Revised Statutes Supplement, 2002, section  
21 60-4,118.06, Revised Statutes Supplement, 2003, section 60-6,196,  
22 Revised Statutes Supplement, 2003, as amended by section 10,  
23 Legislative Bill 208, Ninety-eighth Legislature, Second Session,  
24 2004, and sections 12 and 13, Legislative Bill 208, Ninety-eighth  
25 Legislature, Second Session, 2004, are repealed."

26 2. On page 11, strike beginning with "the" in line 8  
27 through the period in line 11 and insert "that the operator's  
1 license of such person be revoked or impounded for a period of at  
2 least one year and not more than fifteen years.".

- 3 3. Renumber the remaining sections accordingly.

(Signed) Tom Baker, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 962.** Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA1516

Amend FA1502

On page 1, in line 8 strike and show as stricken "of this state"; in lines 8 and 9 strike and show as stricken "financially assist in" and insert "provide financial assistance to"; in line 9 strike and show as stricken "necessary" and insert "essential".

### SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LR 209CA:

AM2828

(Amendments to Standing Committee amendments, AM2346)

- 1 1. On page 1, line 23, after "Board" insert "to be used
- 2 for the direction and supervision of the Nebraska State Fair, which
- 3 shall be held at or near the city of Mitchell, in Scotts Bluff
- 4 County".

Senator Schrock filed the following amendment to LB 962:

AM2785

(Amendments to Standing Committee amendments, AM2733)

- 1 1. Strike original section 99 and insert the following
- 2 new sections:
- 3 "Sec. 99. Section 81-15,172, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-15,172. The board shall annually elect a chairperson
- 6 from among the citizen members. The board shall meet at least
- 7 quarterly, ~~and~~ may meet more often at the call of the chairperson
- 8 or the request of any three members, and may hold meetings by
- 9 teleconference as necessary subject to section 84-1411.

10 Sec. 100. Section 81-15,173, Revised Statutes  
11 Supplement, 2002, is amended to read:  
12 81-15,173. The board shall have and may exercise the  
13 following powers and duties:  
14 (1) Adopt bylaws to govern the proceedings of the board;  
15 (2) Keep records, conduct hearings, and adopt and  
16 promulgate rules and regulations to carry out its duties and  
17 implement the Nebraska Environmental Trust Act;  
18 (3) Contract with the Game and Parks Commission for  
19 administrative support; ~~and with governmental agencies for~~  
20 ~~technical assistance;~~  
21 (4) Contract with governmental and private agencies to  
22 receive technical assistance and services;  
23 (5) Contract with governmental and private agencies to  
24 provide technical assistance and services;  
25 (6) Establish environmental priorities categories for use  
26 of the funds and develop an appropriate rating system for each  
27 category;  
28 ~~(5) (7)~~ Establish ad hoc advisory boards and  
29 subcommittees;  
30 ~~(6) (8)~~ Sponsor or assist environmental proposals  
31 pertaining to the environmental ~~priorities categories~~ of the board,  
32 including issuing grants to agencies, organizations, and persons  
33 engaged in the purposes of the trust;  
34 ~~(7) (9)~~ Cooperate with or assist any unit of the state,  
35 any political subdivision, or any private, public, or federal  
36 agency, foundation, or person in furtherance of the purposes of the  
37 trust;  
38 ~~(8) (10)~~ Acquire and dispose of personal property in  
39 furtherance of the purposes of the trust; and  
40 ~~(9) (11)~~ Apply for or accept any gift, grant, bequest,  
41 royalty, or donation, designate the fund to which it will be  
42 credited, and expend the proceeds in furtherance of the purposes of  
43 the trust.

21 Sec. 101. Section 81-15,175, Revised Statutes  
22 Supplement, 2002, is amended to read:  
23 81-15,175. (1) The board may make an annual allocation  
24 each fiscal year from the Nebraska Environmental Trust Fund to the  
25 Nebraska Environmental Endowment Fund as provided in section  
26 81-15,174.01. The board shall make annual allocations from the  
27 Nebraska Environmental Trust Fund and may make annual allocations  
28 each fiscal year from the Nebraska Environmental Endowment Fund for  
29 projects which conform to the environmental ~~priorities categories~~  
30 of the board established pursuant to section 81-15,176 and to the  
31 extent the board determines those projects to have merit. The  
32 board shall establish ~~an annual calendar~~ a calendar annually for  
33 receiving and evaluating proposals and awarding grants. To  
34 evaluate the economic, financial, and technical feasibility of  
35 8 proposals, the board may establish subcommittees, request or

9 contract for assistance, or establish advisory groups. Private  
10 citizens serving on advisory groups shall be reimbursed for their  
11 actual and necessary expenses pursuant to sections 81-1174 to  
12 81-1177.

13 (2) The board shall establish a ~~rating system~~ rating  
14 systems for ranking proposals which meet the board's environmental  
15 ~~priorities~~ categories and other criteria. The rating ~~system~~  
16 systems shall include, but not be limited to, the following  
17 considerations:

18 (a) Conformance with ~~priorities~~ categories established  
19 pursuant to section 81-15,176;

20 (b) Amount of funds committed from other funding sources;

21 (c) Encouragement of public-private partnerships;

22 (d) Geographic mix of projects over time;

23 (e) Cost-effectiveness and economic impact;

24 (f) Direct environmental impact; and

25 (g) Environmental benefit to the general public and the  
26 long-term nature of such public benefit.

27 (3) The board may establish a subcommittee to rate grant  
1 applications. If the board uses a subcommittee, the subcommittee  
2 shall (a) use the rating ~~system~~ systems established by the board  
3 under subsection (2) of this section, (b) assign a numeric value to  
4 each rating criterion, combine these values into a total score for  
5 each application, and rank the applications by the total scores,  
6 (c) recommend an amount of funding for each application, which  
7 amount may be more or less than the requested amount, and (d)  
8 submit the ranked list and recommended funding to the board for its  
9 approval or disapproval. A motion to deviate from the  
10 subcommittee's recommendations must specify the reason for doing so  
11 and be adopted with an affirmative vote of not fewer than eight  
12 members of the board.

13 (4) The board may commit funds to multiyear projects,  
14 subject to available funds and appropriations. No commitment shall  
15 exceed three years without formal action by the board to renew the  
16 grant or contract. Multiyear commitments may be exempt from the  
17 rating process except for the initial application and requests to  
18 renew the commitment.

19 (5) The board shall adopt and promulgate rules and  
20 regulations and publish guidelines governing allocations from the  
21 fund. The board shall conduct annual reviews of existing projects  
22 for compliance with project goals and grant requirements.

23 (6) Every five years the board may evaluate the long-term  
24 effects of the projects it funds. The evaluation may assess a  
25 sample of such projects. The board may hire an independent  
26 consultant to conduct the evaluation and may report the evaluation  
27 findings to the Legislature and the Governor.

1 Sec. 102. Section 81-15,176, Revised Statutes

2 Supplement, 2002, is amended to read:

3 81-15,176. (1) Subject to subsection (3) of this



4 section, the board shall establish environmental ~~priorities for~~  
5 categories of projects eligible for funding by the trust. The  
6 board, after allowing opportunity for public comment, shall  
7 designate as ~~priorities~~ categories those environmental goals which  
8 most affect the natural physical and biological environment in  
9 Nebraska, including the air, land, ground water and surface water,  
10 flora and fauna, prairies and forests, wildlife and wildlife  
11 habitat, and areas of aesthetic or scenic values. In designating  
12 environmental ~~priorities~~ categories, the board shall attempt to  
13 focus on the areas which promise the greatest opportunities for  
14 effective action to achieve and preserve the future environmental  
15 quality in the state. The board shall establish ~~priorities~~  
16 categories for five-year periods beginning July 1, 1995. The board  
17 may establish annual priorities within the five-year categories. ;  
18 ~~except that the board may make annual modifications to refine and~~  
19 ~~clarify its priorities.~~ The board shall provide for public  
20 involvement in developing the ~~priorities~~ categories for such  
21 five-year periods; including and any priorities within these  
22 categories, including, but not limited to, public meetings in each  
23 of the three congressional districts.

24 (2) The board shall establish criteria for determining  
25 the eligibility of projects for grant assistance, which criteria  
26 shall include the following:

27 (a) The grants shall not provide direct assistance to  
1 regulatory programs or to implement actions mandated by regulations  
2 except remediation;

3 (b) No more than sixty percent of grant allocations in  
4 any year shall assist remediation of soils or ground water, and no  
5 grants for this purpose shall occur unless all other available  
6 sources of funding are, in the opinion of the board, being  
7 substantially utilized;

8 (c) The grants shall not pay for projects which provide  
9 primarily private benefits or relieve private liability for  
10 environmental damage;

11 (d) The grants shall not pay for projects which have  
12 direct beneficiaries who could afford the costs of the benefits  
13 without experiencing serious financial hardship;

14 (e) The grants should assist those projects which offer  
15 the greatest environmental benefits relative to cost;

16 (f) The grants should assist those projects which provide  
17 clear and direct environmental benefits;

18 (g) The grants should assist those projects which will  
19 make a real contribution to achieving the board's environmental  
20 ~~priorities~~ categories;

21 (h) The grants should assist those projects which offer  
22 the greatest public benefits; and

23 (i) The grants shall not pay for land or easements  
24 acquired without the full and express consent of the landowner.

25 (3) Until the first five-year ~~priorities~~ categories

26 become effective on July 1, 1995, the board shall observe the  
27 following ~~priorities~~ categories for allocating grants:

- 1 (a) Critical habitat areas, including wetlands
- 2 acquisition, preservation, and restoration and acquisition and
- 3 easements of areas critical to rare or endangered species;
- 4 (b) Surface water quality, including actions to preserve
- 5 lakes and streams from degradation;
- 6 (c) Ground water quality, including fostering best
- 7 management practices as defined in section ~~46-656.07~~ 42 of this
- 8 act, actions to preserve ground water from degradation, and
- 9 remediation of soils or ground water; and

- 10 (d) Development of recycling markets and reduction of
- 11 solid waste volume and toxicity.

12 (4) The board may refine and clarify these initial  
13 ~~priorities~~ categories.

14 Sec. 103. Section 84-1411, Revised Statutes Supplement,  
15 2002, is amended to read:

16 84-1411. (1) Each public body shall give reasonable  
17 advance publicized notice of the time and place of each meeting by  
18 a method designated by each public body and recorded in its  
19 minutes. Such notice shall be transmitted to all members of the  
20 public body and to the public. Such notice shall contain an agenda  
21 of subjects known at the time of the publicized notice or a  
22 statement that the agenda, which shall be kept continually current,  
23 shall be readily available for public inspection at the principal  
24 office of the public body during normal business hours. Except for  
25 items of an emergency nature, the agenda shall not be altered later  
26 than (a) twenty-four hours before the scheduled commencement of the  
27 meeting or (b) forty-eight hours before the scheduled commencement

1 of a meeting of a city council or village board scheduled outside  
2 the corporate limits of the municipality. The public body shall  
3 have the right to modify the agenda to include items of an  
4 emergency nature only at such public meeting.

5 (2) A meeting of a state agency, state board, state  
6 commission, state council, or state committee, of an advisory  
7 committee of any such state entity, of an organization created  
8 under the Interlocal Cooperation Act, the Joint Public Agency Act,  
9 or the Municipal Cooperative Financing Act, of the governing body  
10 of a public power district having a chartered territory of more  
11 than fifty counties in this state, or of the governing body of a  
12 risk management pool or its advisory committees organized in  
13 accordance with the Intergovernmental Risk Management Act may be  
14 held by means of videoconferencing or, in the case of the Judicial  
15 Resources Commission in those cases specified in section 24-1204,  
16 by telephone conference, if:

- 17 (a) Reasonable advance publicized notice is given;
- 18 (b) Reasonable arrangements are made to accommodate the
- 19 public's right to attend, hear, and speak at the meeting, including
- 20 seating, recordation by audio or visual recording devices, and a

21 reasonable opportunity for input such as public comment or  
22 questions to at least the same extent as would be provided if  
23 videoconferencing or telephone conferencing was not used;  
24 (c) At least one copy of all documents being considered  
25 is available to the public at each site of the videoconference or  
26 telephone conference;

27 (d) At least one member of the state entity, advisory  
1 committee, or governing body is present at each site of the  
2 videoconference or telephone conference; and  
3 (e) No more than one-half of the state entity's, advisory  
4 committee's, or governing body's meetings in a calendar year are  
5 held by videoconference or telephone conference.  
6 Videoconferencing or telephone conferencing shall not be  
7 used to circumvent any of the public government purposes  
8 established in sections 84-1408 to 84-1414.

9 (3)(a) A meeting of the governing body of an entity  
10 formed under the Interlocal Cooperation Act or the Joint Public  
11 Agency Act or of the governing body of a risk management pool or  
12 its advisory committees organized in accordance with the  
13 Intergovernmental Risk Management Act may be held by telephone  
14 conference call if:

15 ~~(a)~~ (i) The territory represented by the member public  
16 agencies of the entity or pool covers more than one county;  
17 ~~(b)~~ (ii) Reasonable advance publicized notice is given  
18 which identifies each telephone conference location at which a  
19 member of the entity's or pool's governing body will be present;  
20 ~~(c)~~ (iii) All telephone conference meeting sites  
21 identified in the notice are located within public buildings used  
22 by members of the entity or pool or at a place which will  
23 accommodate the anticipated audience;

24 ~~(d)~~ (iv) Reasonable arrangements are made to accommodate  
25 the public's right to attend, hear, and speak at the meeting,  
26 including seating, recordation by audio recording devices, and a  
27 reasonable opportunity for input such as public comment or  
1 questions to at least the same extent as would be provided if a  
2 telephone conference call was not used;

3 ~~(e)~~ (v) At least one copy of all documents being  
4 considered is available to the public at each site of the telephone  
5 conference call;

6 ~~(f)~~ (vi) At least one member of the governing body of the  
7 entity or pool is present at each site of the telephone conference  
8 call identified in the public notice;

9 ~~(g)~~ (vii) The telephone conference call lasts no more  
10 than one hour; and

11 ~~(h)~~ (viii) No more than one-half of the entity's or  
12 pool's meetings in a calendar year are held by telephone conference  
13 call.

14 (b) A meeting of the Nebraska Environmental Trust Board  
15 may be held by telephone conference call if:

16 (i) Reasonable advance publicized notice is given which  
17 identifies each telephone conference location at which a member of  
18 the board will be present;

19 (ii) All telephone conference meeting sites identified in  
20 the notice are located within public buildings used by members of  
21 the board or at a place which will accommodate the anticipated  
22 audience;

23 (iii) Reasonable arrangements are made to accommodate the  
24 public's right to attend, hear, and speak at the meeting, including  
25 seating, recordation by audio recording devices, and a reasonable  
26 opportunity for input such as public comment or questions to at  
27 least the same extent as would be provided if a telephone  
1 conference call were not used;

2 (iv) At least one copy of all documents being considered  
3 is available to the public at each site of the telephone conference  
4 call;

5 (v) At least one member of the board is present at each  
6 site of the telephone conference call identified in the public  
7 notice;

8 (vi) The telephone conference call lasts no more than one  
9 hour; and

10 (h) No more than one-half of the board's meetings in a  
11 calendar year are held by telephone conference call.

12 (c) Nothing in this subsection shall prevent the  
13 participation of consultants, members of the press, and other  
14 nonmembers of the governing body at sites not identified in the  
15 public notice. Telephone conference calls shall not be used to  
16 circumvent any of the public government purposes established in  
17 sections 84-1408 to 84-1414.

18 (4) The secretary or other designee of each public body  
19 shall maintain a list of the news media requesting notification of  
20 meetings and shall make reasonable efforts to provide advance  
21 notification to them of the time and place of each meeting and the  
22 subjects to be discussed at that meeting.

23 (5) When it is necessary to hold an emergency meeting  
24 without reasonable advance public notice, the nature of the  
25 emergency shall be stated in the minutes and any formal action  
26 taken in such meeting shall pertain only to the emergency. Such  
27 emergency meetings may be held by means of electronic or  
1 telecommunication equipment. The provisions of subsection (4) of  
2 this section shall be complied with in conducting emergency  
3 meetings. Complete minutes of such emergency meetings specifying  
4 the nature of the emergency and any formal action taken at the  
5 meeting shall be made available to the public by no later than the  
6 end of the next regular business day.

7 (6) A public body may allow a member of the public or any  
8 other witness other than a member of the public body to appear  
9 before the public body by means of video or telecommunications  
10 equipment."

11 2. Amend the repealer, renumber the remaining sections,  
12 and correct internal references accordingly.

Senator Schrock filed the following amendment to LB 962:  
AM2849

(Amendments to Standing Committee amendments, AM2733)

1 1. Insert the following new sections:  
2 "Sec. 3. Section 2-3225, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 2-3225. Each district shall have the power and authority  
5 to levy a tax of not to exceed four and one-half cents on each one  
6 hundred dollars of taxable valuation annually on all of the taxable  
7 property within such district unless a higher levy is authorized  
8 pursuant to section 77-3444. Each district shall also have the  
9 power and authority to levy a tax equal to the dollar amount by  
10 which its budgeted expenditures to administer and implement ground  
11 water management activities and integrated management activities  
12 under the Nebraska Ground Water Management and Protection Act  
13 exceed its budgeted expenditures to administer and implement ground  
14 water management activities and integrated management activities  
15 for FY2003-04, not to exceed one cent on each one hundred dollars  
16 of taxable valuation annually on all of the taxable property within  
17 the district. The proceeds of such tax shall be used, together  
18 with any other funds which the district may receive from any  
19 source, for the operation of the district. When adopted by the  
20 board, the levy shall be certified by the secretary to the county  
21 clerk of each county which in whole or in part is included within  
22 the district. Such levy shall be handled by the counties in the  
23 same manner as other levies, and proceeds shall be remitted to the  
1 district treasurer. Such levy shall not be considered a part of  
2 the general county levy and shall not be considered in connection  
3 with any limitation on levies of such counties.  
4 Sec. 4. Section 13-520, Revised Statutes Supplement,  
5 2002, is amended to read:  
6 13-520. The limitations in section 13-519 shall not  
7 apply to (1) restricted funds budgeted for capital improvements,  
8 (2) restricted funds expended from a qualified sinking fund for  
9 acquisition or replacement of tangible personal property with a  
10 useful life of five years or more, (3) restricted funds pledged to  
11 retire bonded indebtedness, used by a public airport to retire  
12 interest-free loans from the Department of Aeronautics in lieu of  
13 bonded indebtedness at a lower cost to the public airport, or used  
14 to pay other financial instruments that are approved and agreed to  
15 before July 1, 1999, in the same manner as bonds by a governing  
16 body created under section 35-501, (4) restricted funds budgeted in  
17 support of a service which is the subject of an agreement or a  
18 modification of an existing agreement whether operated by one of  
19 the parties to the agreement or by an independent joint entity or  
20 joint public agency, (5) restricted funds budgeted to pay for

21 repairs to infrastructure damaged by a natural disaster which is  
22 declared a disaster emergency pursuant to the Emergency Management  
23 Act, ~~or~~ (6) restricted funds budgeted to pay for judgments, except  
24 judgments or orders from the Commission of Industrial Relations,  
25 obtained against a governmental unit which require or obligate a  
26 governmental unit to pay such judgment, to the extent such judgment  
27 is not paid by liability insurance coverage of a governmental unit,  
1 or (7) the dollar amount by which restricted funds budgeted by a  
2 natural resources district to administer and implement ground water  
3 management activities and integrated management activities under  
4 the Nebraska Ground Water Management and Protection Act exceed its  
5 budgeted expenditures to administer and implement ground water  
6 management activities and integrated management activities for  
7 FY2003-04.

8 Sec. 91. (1) The Water Resources Trust Fund is created.  
9 The State Treasurer shall credit to the fund such money as is  
10 specifically appropriated thereto by the Legislature and such  
11 funds, fees, donations, gifts, or bequests received by the  
12 Department of Natural Resources from any federal, state, public, or  
13 private source for expenditure for the purposes described in the  
14 Nebraska Ground Water Management and Protection Act. Money in the  
15 fund shall not be subject to any fiscal-year limitation or lapse  
16 provision of unexpended balance at the end of any fiscal year or  
17 biennium. Any money in the fund available for investment shall be  
18 invested by the state investment officer pursuant to the Nebraska  
19 Capital Expansion Act and the Nebraska State Funds Investment Act.

20 (2) The fund shall be administered by the department.  
21 The department shall adopt and promulgate rules and regulations  
22 regarding the allocation and expenditure of money from the fund.

23 (3) Money in the fund may be expended by the department  
24 for costs incurred by the department, by natural resources  
25 districts, or by other political subdivisions in (a) determining  
26 whether river basins, subbasins, or reaches are fully appropriated  
27 in accordance with section 51 of this act, (b) developing or  
1 implementing integrated management plans for such fully  
2 appropriated river basins, subbasins, or reaches or for river  
3 basins, subbasins, or reaches designated as over-appropriated in  
4 accordance with section 51 of this act, (c) developing or  
5 implementing integrated management plans in river basins,  
6 subbasins, or reaches which have not yet become either fully  
7 appropriated or over-appropriated, or (d) attaining state  
8 compliance with an interstate water compact or decree or other  
9 formal state contract or agreement.

10 (4) Except for funds paid to a political subdivision for  
11 forgoing or reducing its own water use or for implementing projects  
12 or programs intended to aid the state in complying with an  
13 interstate water compact or decree or other formal state contract  
14 or agreement, a political subdivision that receives funds from the  
15 fund shall provide, or cause to be provided, matching funds in an

16 amount at least equal to twenty percent of the amount received from  
17 the fund by that natural resources district or political  
18 subdivision. The department shall monitor programs and activities  
19 funded by the fund to ensure that the required match is being  
20 provided.

21 Sec. 102. Section 77-3442, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 77-3442. (1) Property tax levies for the support of  
24 local governments for fiscal years beginning on or after July 1,  
25 1998, shall be limited to the amounts set forth in this section  
26 except as provided in section 77-3444.

27 (2)(a) Except as provided in subdivision (2)(b) of this  
1 section, school districts and multiple-district school systems may  
2 levy a maximum levy of (i) one dollar and five cents per one  
3 hundred dollars of taxable valuation of property subject to the  
4 levy for fiscal years 2003-04 and 2004-05 and (ii) one dollar per  
5 one hundred dollars of taxable valuation of property subject to the  
6 levy for all fiscal years except fiscal years 2003-04 and 2004-05.  
7 Excluded from this limitation are amounts levied to pay for sums  
8 agreed to be paid by a school district to certificated employees in  
9 exchange for a voluntary termination of employment and amounts  
10 levied to pay for special building funds and sinking funds  
11 established for projects commenced prior to April 1, 1996, for  
12 construction, expansion, or alteration of school district  
13 buildings. For purposes of this subsection, commenced means any  
14 action taken by the school board on the record which commits the  
15 board to expend district funds in planning, constructing, or  
16 carrying out the project.

17 (b) Federal aid school districts may exceed the maximum  
18 levy prescribed by subdivision (2)(a) of this section only to the  
19 extent necessary to qualify to receive federal aid pursuant to  
20 Title VIII of Public Law 103-382, as such title existed on  
21 September 1, 2001. For purposes of this subdivision, federal aid  
22 school district means any school district which receives ten  
23 percent or more of the revenue for its general fund budget from  
24 federal government sources pursuant to Title VIII of Public Law  
25 103-382, as such title existed on September 1, 2001.

26 (c) Beginning with school fiscal year 2002-03 through  
27 school fiscal year 2004-05, school districts and multiple-district  
1 school systems may, upon a three-fourths majority vote of the  
2 school board of the school district, the board of the unified  
3 system, or the school board of the high school district of the  
4 multiple-district school system that is not a unified system,  
5 exceed the maximum levy prescribed by subdivision (2)(a) of this  
6 section in an amount equal to the net difference between the amount  
7 of state aid that would have been provided under the Tax Equity and  
8 Educational Opportunities Support Act without the changes made by  
9 Laws 2002, LB 898, for the ensuing school fiscal year for the  
10 school district or multiple-district school system and the amount

11 provided under the act as amended by Laws 2002, LB 898. The State  
12 Department of Education shall certify to the school districts and  
13 multiple-district school systems the amount by which the maximum  
14 levy may be exceeded pursuant to subdivision (2)(c) of this section  
15 on or before May 15, 2002, for school fiscal year 2002-03, June 30,  
16 2003, for school fiscal year 2003-04, and February 15, 2004, for  
17 school fiscal year 2004-05.

18 (3) Community colleges may levy a maximum levy on each  
19 one hundred dollars of taxable property subject to the levy of  
20 seven cents for fiscal year 2000-01 and each fiscal year  
21 thereafter, plus amounts allowed under subsection (7) of section  
22 85-1536.01.

23 (4) Natural resources districts may levy a maximum levy  
24 of four and one-half cents per one hundred dollars of taxable  
25 valuation of property subject to the levy. Natural resources  
26 districts shall also have the power and authority to levy a tax  
27 equal to the dollar amount by which their budgeted expenditures to  
1 administer and implement ground water management activities and  
2 integrated management activities under the Nebraska Ground Water  
3 Management and Protection Act exceed their budgeted expenditures to  
4 administer and implement ground water management activities and  
5 integrated management activities for FY2003-04, not to exceed one  
6 cent on each one hundred dollars of taxable valuation annually on  
7 all of the taxable property within the district.

8 (5) Educational service units may levy a maximum levy of  
9 one and one-half cents per one hundred dollars of taxable valuation  
10 of property subject to the levy.

11 (6)(a) Incorporated cities and villages which are not  
12 within the boundaries of a municipal county may levy a maximum levy  
13 of forty-five cents per one hundred dollars of taxable valuation of  
14 property subject to the levy plus an additional five cents per one  
15 hundred dollars of taxable valuation to provide financing for the  
16 municipality's share of revenue required under an agreement or  
17 agreements executed pursuant to the Interlocal Cooperation Act or  
18 the Joint Public Agency Act. The maximum levy shall include  
19 amounts levied to pay for sums to support a library pursuant to  
20 section 51-201, museum pursuant to section 51-501, visiting  
21 community nurse, home health nurse, or home health agency pursuant  
22 to section 71-1637, or statue, memorial, or monument pursuant to  
23 section 80-202.

24 (b) Incorporated cities and villages which are within the  
25 boundaries of a municipal county may levy a maximum levy of ninety  
26 cents per one hundred dollars of taxable valuation of property  
27 subject to the levy. The maximum levy shall include amounts paid  
1 to a municipal county for county services, amounts levied to pay  
2 for sums to support a library pursuant to section 51-201, a museum  
3 pursuant to section 51-501, a visiting community nurse, home health  
4 nurse, or home health agency pursuant to section 71-1637, or a  
5 statue, memorial, or monument pursuant to section 80-202.



6 (7) Sanitary and improvement districts which have been in  
7 existence for more than five years may levy a maximum levy of forty  
8 cents per one hundred dollars of taxable valuation of property  
9 subject to the levy, and sanitary and improvement districts which  
10 have been in existence for five years or less shall not have a  
11 maximum levy. Unconsolidated sanitary and improvement districts  
12 which have been in existence for more than five years and are  
13 located in a municipal county may levy a maximum of eighty-five  
14 cents per hundred dollars of taxable valuation of property subject  
15 to the levy.

16 (8) Counties may levy or authorize a maximum levy of  
17 fifty cents per one hundred dollars of taxable valuation of  
18 property subject to the levy, except that five cents per one  
19 hundred dollars of taxable valuation of property subject to the  
20 levy may only be levied to provide financing for the county's share  
21 of revenue required under an agreement or agreements executed  
22 pursuant to the Interlocal Cooperation Act or the Joint Public  
23 Agency Act. The maximum levy shall include amounts levied to pay  
24 for sums to support a library pursuant to section 51-201 or museum  
25 pursuant to section 51-501. The county may allocate up to fifteen  
26 cents of its authority to other political subdivisions subject to  
27 allocation of property tax authority under subsection (1) of  
1 section 77-3443 and not specifically covered in this section to  
2 levy taxes as authorized by law which do not collectively exceed  
3 fifteen cents per one hundred dollars of taxable valuation on any  
4 parcel or item of taxable property. The county may allocate to one  
5 or more other political subdivisions subject to allocation of  
6 property tax authority by the county under subsection (1) of  
7 section 77-3443 some or all of the county's five cents per one  
8 hundred dollars of valuation authorized for support of an agreement  
9 or agreements to be levied by the political subdivision for the  
10 purpose of supporting that political subdivision's share of revenue  
11 required under an agreement or agreements executed pursuant to the  
12 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
13 allocation by a county would cause another county to exceed its  
14 levy authority under this section, the second county may exceed the  
15 levy authority in order to levy the amount allocated.

16 (9) Municipal counties may levy or authorize a maximum  
17 levy of one dollar per one hundred dollars of taxable valuation of  
18 property subject to the levy. The municipal county may allocate  
19 levy authority to any political subdivision or entity subject to  
20 allocation under section 77-3443.

21 (10) Property tax levies for judgments, except judgments  
22 or orders from the Commission of Industrial Relations, obtained  
23 against a political subdivision which require or obligate a  
24 political subdivision to pay such judgment, to the extent such  
25 judgment is not paid by liability insurance coverage of a political  
26 subdivision, for preexisting lease-purchase contracts approved  
27 prior to July 1, 1998, for bonded indebtedness approved according

1 to law and secured by a levy on property, and for payments by a  
2 public airport to retire interest-free loans from the Department of  
3 Aeronautics in lieu of bonded indebtedness at a lower cost to the  
4 public airport are not included in the levy limits established by  
5 this section.

6 (11) The limitations on tax levies provided in this  
7 section are to include all other general or special levies provided  
8 by law. Notwithstanding other provisions of law, the only  
9 exceptions to the limits in this section are those provided by or  
10 authorized by sections 77-3442 to 77-3444.

11 (12) Tax levies in excess of the limitations in this  
12 section shall be considered unauthorized levies under section  
13 77-1606 unless approved under section 77-3444.

14 (13) For purposes of sections 77-3442 to 77-3444,  
15 political subdivision means a political subdivision of this state  
16 and a county agricultural society.

17 Sec. 104. Sections 3, 4, 102, and 106 become operative  
18 July 1, 2004. This section and sections 105 and 109 become  
19 operative on their effective date. The other sections of this act  
20 become operative three calendar months after adjournment of this  
21 legislative session.

22 Sec. 106. Original sections 2-3225 and 77-3442, Reissue  
23 Revised Statutes of Nebraska, and section 13-520, Revised Statutes  
24 Supplement, 2002, are repealed.

25 Sec. 109. Since an emergency exists, this act takes  
26 effect when passed and approved according to law."

27 2. On page 62, line 11, strike "37 to 88" and insert "39  
1 to 91".

2 3. Renumber the remaining sections and correct internal  
3 references accordingly.

Senator Erdman filed the following amendment to LB 962:  
AM2850

(Amendments to Standing Committee amendments, AM2733)

1 1. On page 133, line 24, strike "a transfer for which a  
2 permit has" and insert "transfers for which permits have" and in  
3 line 26 after "act" insert "or pursuant to the Municipal and Rural  
4 Domestic Ground Water Transfers Permit Act".

5 2. On page 136, strike lines 10 through 13, show as  
6 stricken, and insert "Except as otherwise provided in this section,  
7 if the district adopts different controls for different categories  
8 of ground water use, those controls shall be consistent with  
9 section 46-613 and shall, for each such category, be uniform for  
10 all portions of the area which have substantially similar climatic,  
11 hydrologic, geologic, and soil conditions.".

Senator Connealy filed the following amendment to LB 879:  
AM2640

1 1. On page 4, line 11, strike "forty" and insert

2 "twenty-five".

Senator Vrtiska filed the following amendment to LB 838:  
AM2718

- 1 1. Insert the following new sections:
- 2 "Sec. 3. (1) The Department of Motor Vehicles shall
- 3 design license plates to be known as Shriners Plates. The plates
- 4 shall include an inscription which includes a facsimile of the
- 5 Shriner emblems and across the bottom of the design the words
- 6 Shriners Help Children. The design shall be selected on the basis
- 7 of (a) enhancing the marketability of the plates and (b) limiting
- 8 the manufacturing cost of each plate to an amount less than or
- 9 equal to the amount charged for license plates pursuant to
- 10 subsection (5) of section 60-311. The department shall make
- 11 applications available for each type of plate when it is designed.
- 12 The department may adopt and promulgate rules and regulations to
- 13 carry out this section and section 4 of this act.
- 14 (2) One type of Shriners Plates shall be consecutively
- 15 numbered plates. The department shall:
- 16 (a) Number the plates consecutively beginning with the
- 17 number one, using numerals the size of which maximizes legibility
- 18 and limiting the numerals to five characters or less; and
- 19 (b) Not use a county designation or any characters other
- 20 than numbers on the plates.
- 21 (3) One type of Shriners Plates shall be personalized
- 22 message plates. Such plates shall be issued subject to the same
- 23 conditions specified for message plates in subsection (2) of
- 24 section 60-311.11, except that a maximum of five characters may be
- 1 used.
- 2 Sec. 4. (1) A person may apply to the Department of
- 3 Motor Vehicles for Shriners Plates in lieu of regular license
- 4 plates on an application prescribed and provided by the department
- 5 for any passenger vehicle, farm truck, self-propelled mobile home,
- 6 cabin trailer, or commercial truck registered for ten tons gross
- 7 weight or less pursuant to section 60-302. An applicant receiving
- 8 a Shriners Plate for a farm truck with a gross weight of over
- 9 sixteen tons or for a commercial truck or truck-tractor registered
- 10 for a gross weight of five tons or over shall affix the appropriate
- 11 tonnage sticker to the plate. The department shall make forms
- 12 available for such applications through the county treasurers or
- 13 designated county officials as provided in section 60-302.
- 14 (2)(a) Each application for initial issuance of
- 15 consecutively numbered Shriners Plates shall be accompanied by a
- 16 fee of fifteen dollars. An application for renewal of such plates
- 17 shall be accompanied by a fee of fifteen dollars. County
- 18 treasurers or designated county officials collecting fees for
- 19 renewals pursuant to this subdivision shall remit them to the State
- 20 Treasurer. The State Treasurer shall credit the fees for initial
- 21 issuance and renewal of such plates to the Department of Motor

22 Vehicles Cash Fund.

23 (b) Each application for initial issuance of personalized  
24 message Shriners Plates shall be accompanied by a fee of forty  
25 dollars. An application for renewal of such plates shall be  
26 accompanied by a fee of forty dollars. County treasurers or  
27 designated county officials collecting fees for renewals pursuant  
1 to this subdivision shall remit them to the State Treasurer. The  
2 State Treasurer shall credit the fees for initial issuance and  
3 renewal of such plates to the Department of Motor Vehicles Cash  
4 Fund.

5 (3) When the department receives an application for  
6 Shriners Plates which are authorized to be manufactured pursuant to  
7 section 3 of this act, the department shall deliver the plates to  
8 the county treasurer or designated county official of the county in  
9 which the vehicle is registered. The county treasurer or  
10 designated county official shall issue Shriners Plates in lieu of  
11 regular license plates when the applicant complies with the other  
12 provisions of law for registration of the vehicle. If Shriners  
13 Plates are lost, stolen, or mutilated, the licensee shall be issued  
14 replacement plates pursuant to section 60-324.

15 (4)(a) The owner of a vehicle bearing Shriners Plates may  
16 make application to the county treasurer or designated county  
17 official as provided in section 60-302 to have such plates  
18 transferred to a motor vehicle other than the vehicle for which  
19 such plates were originally purchased if such vehicle is owned by  
20 the owner of the plates.

21 (b) The owner may have the unused portion of the fee for  
22 the Shriners Plates credited to the other vehicle which will bear  
23 the plates at the rate of eight and one-third percent per month for  
24 each full month left in the registration period.

25 (c) Application for such transfer shall be accompanied by  
26 a fee of three dollars. Fees collected pursuant to this subsection  
27 shall be remitted to the State Treasurer for credit to the  
1 Department of Motor Vehicles Cash Fund.

2 (5) If the cost of manufacturing Shriners Plates at any  
3 time exceeds the amount charged for license plates pursuant to  
4 subsection (5) of section 60-311, any money to be credited to the  
5 Department of Motor Vehicles Cash Fund shall instead be credited  
6 first to the Highway Trust Fund in an amount equal to the  
7 difference between the manufacturing costs of Shriners Plates and  
8 the amount charged pursuant to subsection (5) of section 60-311  
9 with respect to such plates and the remainder shall be credited to  
10 the Department of Motor Vehicles Cash Fund."

11 2. On page 6, line 25; page 9, line 23; and page 11,  
12 line 18, strike "section 2" and insert "sections 2 and 4".

13 3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 962:  
AM2857

## (Amendments to AM2785)

- 1 1. Insert the following new section:
- 2 "Sec. 101. Section 81-15,174, Revised Statutes
- 3 Supplement, 2003, is amended to read:
- 4 81-15,174. The Nebraska Environmental Trust Fund is
- 5 created. The fund shall be maintained in the state accounting
- 6 system as a cash fund. Except as otherwise provided in this
- 7 section, the fund shall be used to carry out the purposes of the
- 8 Nebraska Environmental Trust Act, including the payment of
- 9 administrative costs. The Legislature shall not divert money from
- 10 the Nebraska Environmental Trust Fund except upon a finding by the
- 11 Legislative Performance Audit Section of the Legislative Research
- 12 Division that the purposes and procedures outlined in the Nebraska
- 13 Environmental Trust Act are not being substantially accomplished by
- 14 the fund. Money in the fund shall include proceeds credited
- 15 pursuant to section 9-812 and proceeds designated by the board
- 16 pursuant to section 81-15,173. Any money in the fund available for
- 17 investment shall be invested by the state investment officer
- 18 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 19 State Funds Investment Act.
- 20 ~~The State Treasurer shall transfer nine hundred~~
- 21 ~~twenty-five thousand dollars from the Nebraska Environmental Trust~~
- 22 ~~Fund to the Department of Natural Resources Water Issues Cash Fund,~~
- 23 ~~as administratively created pursuant to section 81-1111.04, on or~~
- 1 ~~after July 1, 2003, but no later than July 10, 2003."~~
- 2 2. Renumber the remaining sections, amend the repealer,
- 3 and correct internal references accordingly.

Senator Landis filed the following amendment to LB 1065:  
AM2845

## (Amendments to Standing Committee amendments, AM2644)

- 1 1. Insert the following new section:
- 2 "Sec. 17. Section 77-4103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-4103. For purposes of the Employment and Investment
- 5 Growth Act, unless the context otherwise requires:
- 6 (1) Any term shall have the same meaning as used in
- 7 Chapter 77, article 27;
- 8 (2) Base year shall mean the year immediately preceding
- 9 the year during which the application was submitted;
- 10 (3) Base-year employee shall mean any individual who was
- 11 employed in Nebraska and subject to the Nebraska income tax on
- 12 compensation received from the taxpayer or its predecessors during
- 13 the base year and who is employed at the project;
- 14 (4) Compensation shall mean the wages and other payments
- 15 subject to withholding for federal income tax purposes;
- 16 (5) Entitlement period shall mean the year during which
- 17 the required increases in employment and investment were met or
- 18 exceeded, and the next six years;

19 (6) Equivalent employees shall mean the number of  
20 employees computed by dividing the total hours paid in a year by  
21 the product of forty times the number of weeks in a year;

22 (7) Investment shall mean the value of qualified property  
23 incorporated into or used at the project. For qualified property  
1 owned by the taxpayer, the value shall be the original cost of the  
2 property. For qualified property rented by the taxpayer, the  
3 average net annual rent shall be multiplied by the number of years  
4 of the lease for which the taxpayer was originally bound, not to  
5 exceed ten years or the end of the third year after the entitlement  
6 period, whichever is earlier. The rental of land included in and  
7 incidental to the leasing of a building shall not be excluded from  
8 the computation;

9 (8) Motor vehicle shall mean any motor vehicle, trailer,  
10 or semitrailer as defined in section 60-301 and subject to  
11 licensing for operation on the highways;

12 (9) Nebraska employee shall mean an individual who is  
13 either a resident or partial-year resident of Nebraska;

14 (10) Number of new employees shall mean the excess of the  
15 number of equivalent employees employed at the project during a  
16 year over the number of equivalent employees during the base year;

17 (11) Qualified business shall mean any business engaged  
18 in the activities listed in subdivisions (b)(i) through (v) of this  
19 subdivision or in the storage, warehousing, distribution,  
20 transportation, or sale of tangible personal property. Qualified  
21 business shall not include any business activity in which eighty  
22 percent or more of the total sales are sales to the ultimate  
23 consumer of food prepared for immediate consumption or are sales to  
24 the ultimate consumer of tangible personal property which is not  
25 (a) assembled, fabricated, manufactured, or processed by the  
26 taxpayer or (b) used by the purchaser in any of the following  
27 activities:

1 (i) The conducting of research, development, or testing  
2 for scientific, agricultural, animal husbandry, food product, or  
3 industrial purposes;

4 (ii) The performance of data processing,  
5 telecommunication, insurance, or financial services. Financial  
6 services for purposes of this subdivision shall only include  
7 financial services provided by any financial institution subject to  
8 tax under Chapter 77, article 38, or any person or entity licensed  
9 by the Department of Banking and Finance or the Securities and  
10 Exchange Commission;

11 (iii) The assembly, fabrication, manufacture, or  
12 processing of tangible personal property;

13 (iv) The administrative management of any activities,  
14 including headquarter facilities relating to such activities; or

15 (v) Any combination of the activities listed in this  
16 subdivision;

17 (12) Qualified employee leasing company shall mean a

18 company which places all employees of a client-lessee on its  
 19 payroll and leases such employees to the client-lessee on an  
 20 ongoing basis for a fee and, by written agreement between the  
 21 employee leasing company and a client-lessee, grants to the  
 22 client-lessee input into the hiring and firing of the employees  
 23 leased to the client-lessee;

24 (13) Qualified property shall mean any tangible property  
 25 of a type subject to depreciation, amortization, or other recovery  
 26 under the Internal Revenue Code of 1986, or the components of such  
 27 property, that will be located and used at the project. Qualified  
 1 property shall not include (a) aircraft, barges, motor vehicles,  
 2 railroad rolling stock, or watercraft or (b) property that is  
 3 rented by the taxpayer qualifying under the Employment and  
 4 Investment Growth Act to another person;

5 (14) Related persons shall mean any corporations,  
 6 partnerships, limited liability companies, or joint ventures which  
 7 are or would otherwise be members of the same unitary group, if  
 8 incorporated, or any persons who are considered to be related  
 9 persons under either section 267(b) and (c) or section 707(b) of  
 10 the Internal Revenue Code of 1986;

11 (15) Taxpayer shall mean any person subject to the sales  
 12 and use taxes and either an income tax imposed by the Nebraska  
 13 Revenue Act of 1967 or a franchise tax under sections 77-3801 to  
 14 77-3807, any corporation, partnership, limited liability company,  
 15 or joint venture that is or would otherwise be a member of the same  
 16 unitary group, if incorporated, which is, or whose partners,  
 17 members, or owners representing an ownership interest of at least  
 18 ninety percent of such entity are, subject to such taxes, and any  
 19 other partnership, limited liability company, S corporation, or  
 20 joint venture when the partners, shareholders, or members  
 21 representing an ownership interest of at least ninety percent of  
 22 such entity are subject to such taxes; and

23 (16) Year shall mean the taxable year of the taxpayer.  
 24 The changes made in this section by Laws 1997, LB 264,  
 25 apply to investments made or employment on or after January 1,  
 26 1997, and for all agreements in effect on or after January 1,  
 27 1997."

1 2. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 962:  
 AM2862

(Amendments to Standing Committee amendments, AM2733)

1 1. Insert the following new section:

2 "Sec. 97. (1) In addition to any other fees required by  
 3 law, the Department of Natural Resources shall collect the  
 4 following annual registration fees:

5 (a) For water wells used for irrigation as defined in  
 6 rules and regulations of the department, for industrial purposes as  
 7 defined in section 46-677, and for aquaculture as defined in

- 8 section 2-3804.01, fifty dollars; and  
 9 (b) For water wells used by a public water supplier as  
 10 defined in section 46-638 and for owners of a surface water  
 11 appropriation, an amount equal to the total annual water used  
 12 divided by the amount of water required to provide one and one-half  
 13 acre-feet of water to one hundred thirty acres annually, multiplied  
 14 by fifty dollars.  
 15 (2) The fees required by this section are due September 1  
 16 for each registered active water well of the types listed in  
 17 subsection (1) of this section and each surface water appropriation  
 18 in use during any part of the previous calendar year. Any water  
 19 well or surface water appropriation for which such fee remains  
 20 unpaid thirty days or more after the due date is subject to an  
 21 additional late fee of twenty-five dollars per month or portion  
 22 thereof for which the fee required pursuant to such subsection  
 23 remains unpaid. The department may waive all or part of such late  
 1 fee in the interest of fairness as the department determines."  
 2 2. Renumber the remaining sections and correct internal  
 3 references accordingly.

Senator Chambers filed the following amendment to LB 962:

FA1517

Amend FA1502

On page 1, in line 10 strike and show as stricken "Nebraska's" and insert "the state's"; in line 17 strike and show as stricken "this" and insert "the"; in lines 20 and 21 strike and show as stricken "of the State of Nebraska"; in line 21 strike and show as stricken "financially assist" and insert "provide financial assistance to".

## VISITORS

Visitors to the Chamber were 50 students from St. Joseph Catholic School and Cedar Public School, Beatrice; and Jim Frager from Fairbury.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

## ADJOURNMENT

At 4:00 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 2004.

Patrick J. O'Donnell  
 Clerk of the Legislature